

## Substitute for form 1449/PTO

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(use as many sheets as necessary)

OCT 12 2004



Sheet

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of

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Complete if Known	
Application Number	10/812,345
Filing Date	March 29, 2004
First Named Inventor	Kuslich
Art Unit	3732
Examiner Name	Unknown
Attorney Docket Number	3110.07US06

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL <sup>1</sup>	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number-Kind Code <sup>2</sup> (if known)		
Cos		US-4,401,112	08-1983	Rezaian
		US-4,501,269	02-1985	Bagby
		US-4,743,256	05-1988	Brantigan
		US-4,772,287	09-1988	Ray
		US-4,820,305	04-1989	Harms et al.
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Cos		US-5,489,308	02-1996	Kuslich

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL <sup>1</sup>	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)			
Cos		WO-99/02108	01-1999		
		WO-00/67650	11-2000		
Cos					

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		Number-Kind Code <sup>3</sup> (if known)		
CCP		US-5,514,180	05-1996	Heggeness et al.
		US-5,549,679	08-1996	Kuslich
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		US-6,010,502	01-2000	Bagby
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		US-6,039,762	03-2000	McKay
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		US-		

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<b>NON PATENT LITERATURE DOCUMENTS</b>					
EXAMINER INITIAL <sup>1</sup>	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published			T <sup>2</sup>
OCB		<i>Lumbar Interbody Cage Fusion for Back Pain: An Update on the BAK (Bagby and Kuslich) System</i> , S.D. Kuslich, <u>Spine State of the Art Reviews 1999</u> ; 13 (2): 295-311.			
		<i>Summary of Safety and Effectiveness of the BAK Interbody Fusion System</i> , Food and Drug Administration (FDA) (PMA 95002), PMA Document Mail Center (HFZ-401), Center for Disease and Radiological Health, Washington DC, Sept. 20, 1996, pp. 4-21.			
		<i>Granular Solids, Liquids, and Gases</i> , by H.M. Jaeger, S.R. Nagel and R.P. Behringer, <u>Rev. Mod. Phys.</u> 68, pp. 1259-1273 (1996).			
✓		<i>The Tissue Origin of Mechanical Low Back Pain and Sciatica as Identified by Spinal Microsurgery</i> , S.D. Kuslich, <u>Orthop. Clin. North. Amer.</u> , pp. 595-600 (1991).			
CES		<i>The Bak (Bagby and Kuslich) Method of Lumbar Interbody Fusion</i> , Kuslich et al., <u>SPINE</u> , 23:1267-1279 (1998).			
EXAMINER SIGNATURE	<i>C. Sholes</i>		DATE CONSIDERED	1/7/05	
<p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.</p> <p>This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.</p>					
<p>If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.</p>					